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U.S. Environmental Protection Agency

Rod R. Blagojevich, Governor

Illinois EPA Director Issues Seal Order on Chemetco Property

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Springfield, Ill. -- Illinois EPA Director Renee Cipriano has issued an order to seal the Chemetco, Inc., facility in Hartford due to environmental concerns at the site. The Seal Order restricts public access to certain portions of the site, and prohibits entry by anyone except specified personnel in the performance of their duties. Those entering the site must also comply with applicable OSHA regulations.

The Madison County facility ceased operations on November 1, 2001, and filed for bankruptcy under Chapter 7 of the U.S. Bankruptcy Code, on November 13, 2001. Chemetco is a former copper smelter and during its operation, it generated sludges, baghouse dust, refractory brick, acids and other waste materials.

"Conditions at the facility may pose an immediate threat for anyone entering. In the interest of public safety, I decided it was best to seal the site," said Director Cipriano.

Among the environmental concerns at the site are eight hazardous waste management units subject to closure under the Resource Conservation and Recovery Act. Closure has not been completed at any of the units. Also, a large pile of slag at the facility, in excess of 100,000 tons, has tested as hazardous for lead. Other materials containing hazardous levels of lead and cadmium are located throughout the facility and are uncontained. Testing of the stormwater retention pond at the site has identified trace levels of heavy metals and there is concern that rainfall could cause this pond to overflow into nearby fields, and wooded areas.

Chemetco has a history of violations of environmental laws and regulations, including a guilty plea to discharging wastewaters containing hazardous levels of lead and cadmium into a wetlands area and nearby Long Lake, over the course of about 10 years.

In addition to the Seal Order, the Illinois EPA has referred the site to the U.S. Environmental Protection Agency for a removal assessment under the Comprehensive Environmental Response, Compensation and Liability Act. The U.S.EPA will determine if an immediate or substantial threat to human health or the environment exists and, if it does, they will proceed with removal.

In conjunction with U.S.EPA, the Agency will also be conducting a more comprehensive investigation of the facility to determine whether it has impacted nearby groundwater, surface soils or the surrounding environment. This investigation, also covered under the Comprehensive Environmental Response, Compensation and Liability Act, is scheduled for spring 2002 and the results will determine if the site is eligible for the National Priorities List, or Superfund.

The Seal Order will remain in effect until rescinded by Director Cipriano.

: Chemetco, Inc. and four employees have pleaded guilty to felony charges relating to the operation of a secret pipe used to illegally pump wastewater into a lake and adjoining wetlands. On January 6, 2000, George J. Boud, Jr., 55, Kevin A. Youngman, 43, and Bruce W. Hendrickson, 46, pleaded guilty to a charge of conspiracy and a Clean Water Act violation. On January 8, 2000 Gary L. Reed also changed his plea to guilty. If convicted, each faces imprisonment for up to 8 years and a fine of up to \$500,000 or \$25,000 per day of violation. On January 11, 1990, Chemetco pleaded guilty to a conspiracy count and a CWA count, and, over the government's objection, pleaded nolo contendere to two false statement counts. Sentencing dates were set in March and April, 2000.

BACKGROUND: Chemetco operates a secondary copper smelter near Hartford, Illinois. The four individuals, along with two other employees and the company itself were charged in 1999 with discharging wastewater containing lead, cadmium and zinc into a lake and wetland adjacent to the company's Hartford facility. According to the charges, in or about September, 1986, company president Denis L. Feron ordered the construction of the pipe, which was regularly used to discharge waste until it was discovered 10 years later by government officials in September, 1996. Feron is a non-resident of the U.S., and has not appeared in court to answer the charges. The Indictment also charges that Chemetco and plant manager Bruce W. Hendrickson falsely claimed not to have known about the pipe, its use and falsely claimed that the discharges were accidental. The others were charged variously with participating in a conspiracy to construct and illegally operate the pipe.

Case Contact: David Taliaferro, Criminal Enforcement Counsel, (312) 886-0815

Two Chemetco, Inc. employees sentenced to home confinement: (*U.S. v. Chemetco, Inc., et al.* (S.D. Illinois))

IMPACT: Two employees of Chemetco, Inc. were sentenced April 18, 2000 following their guilty plea in a case involving the illegal pumping of wastewater into a lake. George Boud, Jr. received six months home confinement, a \$2500 fine, one year of probation and a \$200 assessment. Gary L. Reed was sentenced to six month home confinement, fined \$2500, required to serve one year on probation, and assessed \$50.

BACKGROUND: Chemetco operates a secondary copper smelter near Hartford, Illinois. The two individuals, along with four other employees and the company itself were charged in 1999 with discharging wastewater containing lead, cadmium and zinc into a lake and wetland adjacent to the company's Hartford facility. According to the charges, in or about September, 1986, company president Denis L. Feron ordered the construction of the pipe, which was regularly used to discharge waste until it was discovered 10 years later by government officials in September, 1996. Feron is a non-resident of the U.S., and has not appeared in court to answer the charges. The Indictment also charges that Chemetco and plant manager Bruce W. Hendrickson falsely claimed not to have known about the pipe, its use and falsely claimed that the discharges were accidental. The others were charged variously with participating in a conspiracy to construct and illegally operate the pipe.

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Plant manager and foreman of Chemetco, Inc. sentenced: (*U.S. v. Chemetco, Inc., et al.* (S.D. Illinois))

IMPACT: The last two of four charged employees of Chemetco, Inc. were sentenced April 27, 2000,

following their admission that they conspired to discharge pollutants through a secret pipe into waters of the U.S.. Bruce W. Hendrickson, 47, the former Plant Manager of Chemetco's Hartford IL facility, received nine months in home confinement, was fined \$4,000, and required to serve a term of two years'. Kevin A. Youngman, 44, the former Labor Foreman, was sentenced to six months home confinement, fined \$2000, and required to serve one year on probation.

BACKGROUND: Chemetco operates a secondary copper smelter near Hartford, Illinois. The two individuals, along with four other employees and the company itself were charged in 1999 with discharging wastewater containing lead, cadmium and zinc into a lake and wetland adjacent to the company's Hartford facility. According to the charges, in or about September, 1986, company president Denis L. Feron ordered the construction of the pipe, which was secretly used to discharge waste until it was discovered 10 years later by government officials in September, 1996.

The Indictment also charges that Chemetco and Hendrickson falsely claimed not to have known about the pipe, and falsely claimed that the discharges were accidental. The others were charged variously with participating in a conspiracy to construct and illegally operate the pipe. Chemetco, Inc. is scheduled for sentencing in July, 2000. Feron is a non-resident of the U.S., and has not yet been arraigned on the charges.

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